



Hart District Council
Rotherwick Neighbourhood Development Plan 2016- 2032
The Neighbourhood Planning (General) Regulations 2012
Neighbourhood Plan Decision Statement

1.0 Summary

- 1.1 Following a positive referendum result, Hart District Council has made the Rotherwick Neighbourhood Plan (“the Plan”) part of the Development Plan at a Council meeting on 15th December 2016.
- 1.2 This document is the Decision Statement required to be prepared under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19(a) of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Council’s considerations and formal decision in bringing the Rotherwick Neighbourhood Plan into legal force following the successful local referendum held on 3 November 2016.

2.0 Background

- 2.1 The Rotherwick Neighbourhood Plan Area, covering the entire Parish, was designated by Hart District Council on 2nd October 2014, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 2.2 The Rotherwick Neighbourhood Plan was submitted to Hart District Council on 8th April 2016. The Regulation 16 consultation took place between Friday 29th April and Friday 10 June 2016 whereby the Plan was publicised and comments were invited from the public and stakeholders.
- 2.3 Hart District Council appointed an Independent Examiner; Andrew Ashcroft, to review whether the Plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.4 The Examiner’s Report concluded that the Plan meets the Basic Conditions, and that subject to the modifications in the examiner’s report, the plan should proceed to referendum.

2.5 A Referendum was held on 3rd November 2016, 92.7% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. The council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3.0 Decision and reasons

3.1 With the Examiner's recommended modifications the Council considers that the Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

3.2 The referendum held on 3rd November 2016 met the requirements of the Localism Act 2011, it was held in the parish of Rotherwick and posed the statutory question: 'Do you want Hart District Council to use the Neighbourhood Plan for the Rotherwick area to help it decide planning applications in the neighbourhood area'.

3.3 The count took place on 3rd November 2016 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the Plan area.

3.4 The Council has assessed that the Plan including its preparation does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Plan preparation process was compliant with legal and procedural requirements and more than half of those who voted in the referendum, voted in favour of making the Plan.

3.5 The Council decided at the [Council meeting on 15th December 2016] to make the Rotherwick Neighbourhood Plan 2016-2032, part of the Development Plan for Hart District.

4. Other Information

4.1 In accordance with Regulation 19(b) of the Regulations, a copy of this Decision Statement has been sent to:

- The qualifying body, namely, Rotherwick Parish Council
- The persons who asked to be notified of the decision.

4.2 The Decision Statement, the Rotherwick Neighbourhood Plan and relevant documents can be viewed on the Councils website at www.hart.gov.uk/rotherwick

and Rotherwick Parish Council website at www.rotherwick.org.uk and in hard copy at Hart District Council Offices, Harlington Way, Fleet during normal opening hours.

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